

Remarks

Status of the claims

Claims 1-10, 14, 16-22, 24, and 26 are currently pending, and claims 11-13, 15, 23, 25, and 27-38 have been cancelled without prejudice. Applicants reserve the right to prosecute the cancelled claims in one or more continuing applications.

Co-Pending Applications

Applicants point out the following co-pending applications:

US 11/401,635

US 11/401,638

US 11/536,994

US 11/623,996

US 11/743,200

US 11/970,828

US 12/058,478

US 12/116,823

US 12/117,452

US 12/173,213

US 12/248,972

US 12/248,988

Discussion of the claim amendments

Claims 1-3, 7, and 9 have been amended as follows:

Claim 1:

To provide proper grammar, the phrase “A compound of the formula I or II” has been amended to “A compound of formula I or II”;

R²¹ and R²²: The typographical error “C₁₋₄ alky 1” has been replaced with “C₁₋₄ alkyl”;

x: The typographical error “X” has been replaced with “x”;

R³: The typographical error “if v = O” has been replaced with “if v = 0”;

t: The typographical error “T” has been replaced with “t”;

K: The definition has been amended to recite that “K is a phenyl”.

Claim 2:

To provide proper grammar, the phrase “A compound of the formula I or II” has been amended to “A compound of formula I or II”;

R²³: To provide proper grammar, an “or” has been inserted before the last listed substituent.

Claim 3:

To provide proper grammar, the phrase “A compound of the formula I or II” has been amended to “A compound of formula I or II”;

R⁵² and R³: To provide proper grammar, an “or” has been inserted before the last listed substituent.

Claim 7:

To provide proper grammar, the phrase “A compound of the formula I or II.” has been amended to “A compound of formula I or II”;

R¹: The typographical error “one C atom of the alkyl radical” has been replaced with “one C atom of the alkyl radical”.

Claim 9:

R⁵: To provide proper grammar, an “or” has been inserted before the last listed substituent.

Claim rejections under 35 USC 112 – 1st paragraph

The Office also rejected claims 1, 4-6, 8-10, 14, 16-22, 24, and 26 for failing to comply with 35 USC 112, 1st paragraph, written description. In particular, the Office alleges that entire definition of variable K is not supported in the specification because the specification is unclear as to which functional groups listed on page 7, lines 5-11 correspond to variable K or to variable R. Applicants have amended claim 1 to recite that K is an unsubstituted phenyl by deleting the phrase beginning with “which may carry at most two radicals on the ring...” Therefore, Applicants request that the rejection be withdrawn.

Rejections under 35 USC 112, 2nd paragraph

The Office also rejected claims 1-10, 14, 16-22, 24 and 26 for being indefinite under 35 USC 112, 2nd paragraph. In particular, claims 1-3, 7, and 9 were rejected for lack of proper format and/or for containing various typographical errors, which have been corrected as described above. Therefore, Applicants request that the rejection be withdrawn.

Double patenting

The Office has lodged a nonstatutory obviousness-type double patenting rejection against claims 1-6, 8-10, 14, 16-24 and 26 in view of claims 1, 2, and 7-22 of U.S. Patent No. 6,696,437. Applicants respectfully request that this rejection be held in abeyance until notification of allowable subject matter. Applicants will then either file a terminal disclaimer or explain why the present application is patentably distinct from claims 1, 2, and 7-22 of U.S. Patent No. 6,696,437.

The Office has lodged a provisional nonstatutory obviousness-type double patenting rejection against claims 1, 4-6, and 9 in view of claim 10 of Application No. 11/536,994. Applicants respectfully request that this rejection be held in abeyance until notification of allowable subject matter. Applicants will then either file a terminal disclaimer or explain why the present application is patentably distinct from claim 10 of Application No. 11/536,994.

Conclusion

In view of the remarks above, the Applicants respectfully submit that the claims are in allowable condition. Consequently, favorable reconsideration and prompt issuance of a Notice of Allowance is respectfully requested.

The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

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